



### **Mandatory Source Requirement**







### Statutory/ Regulatory Framework

- Javits-Wagner-O'Day Act, 41 U.S.C. Chapter 85
- Committee Regulations 41 CFR Chapter 51
- FAR Subpart 8.7 Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled
- FAR 6.302-5, Authorized or Required by Statute
- DFARS Subpart 208.7, Acquisition from Nonprofit Agencies Employing People Who are Blind or Severely Disabled
- DFARS Procedures, Guidance, and Information (PGI), 207.105,
  Contents of written acquisition plans
- OMB Circular A-122, Cost Principles for Non-Profit Organizations







# What is the Mandatory Source Requirement?

- AbilityOne is the required source for products and services on the Procurement List
- Federal customer is required to buy AbilityOne products and cannot purchase commercial equivalents determined Essentially the Same (ETS)
- A product is determined ETS to an AbilityOne product if the two products have the same:
  - Form appearance, shape, design, color, texture, quality, features
  - Fit size or dimensional characteristics
  - Function purpose
- The AbilityOne Commission designates commercial products as ETS to AbilityOne products







### What is the Legal Basis for the Mandatory Source Requirement?

### Javits-Wagner-O'Day Act

- Requires Government to purchase products and services on the Procurement List
- Establishes the AbilityOne Program
- Defines roles and responsibilities of U.S. AbilityOne Commission including:
  - AbilityOne Program regulations and policy
  - Maintaining Federal Procurement List
    - Procurement List (www.abilityone.gov)
  - Determining Fair Market Price (FMP) for products and services







### What is the Regulatory Framework?

- FAR Subpart 8.7: Acquisitions from NPAs . . .
  - Implements JWOD Act and Commission rules
  - At prices established by the Commission
  - From AbilityOne participating nonprofit agencies
- 41 CFR 51-6: Procurement Procedures
  - Specification changes
  - Variations of products on the Procurement List
  - Replacement products







### **Enforcing the Mandatory Source Requirement**

### The mandatory source requirement is met by:

- 1. Purchasing mandatory AbilityOne products; become familiar with the Procurement List at <a href="https://www.abilityone.gov">www.abilityone.gov</a>
- 2. Not purchasing products similar to AbilityOne products when such commercial products are offered by vendors
- 3. Ensuring language that requires the purchase of AbilityOne products is included in all bids and solicitations
- 4. Ensuring authorized distributors do not market and sell essentially the same (ETS) products







# **Enforcing the Mandatory Source Requirement**

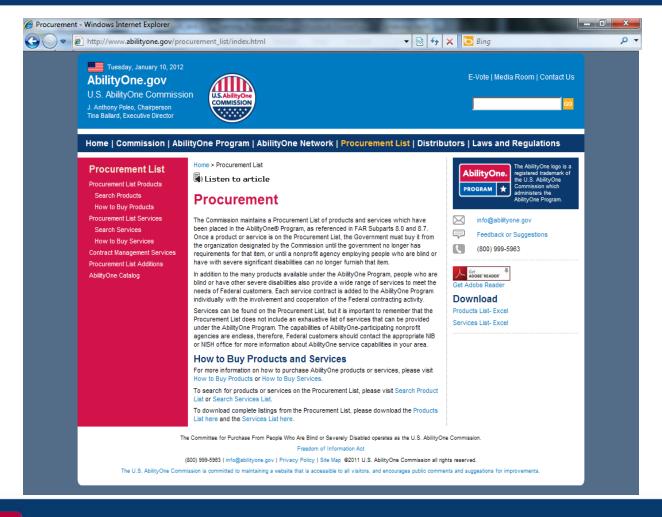
- How to Purchase the mandatory AbilityOne products:
  - Visit the mandatory Procurement List at <u>http://www.abilityone.gov/procurement\_list/index.html</u>
  - 2. By national stock number or description, search for the product or equivalent products made by the Program for purchase.
  - 3. Contact NIB or NISH for any questions concerning who manufactures a product or capabilities.







## This is where you find the **Procurement List**









#### Where to Buy AbilityOne Products

- GSA Global Supply www.GSAglobalsupply.gsa.gov
- GSA Advantage!® www.gsaadvantage.gov
- DoD EMALL <u>www.emall.dla.mil</u>
- Base Supply Centers Over 140 Federal locations
- Multiple Award Schedule Holders Authorized AbilityOne Distributors
- Official on-line store www.abilityone.com







### What Steps Can be Taken to Ensure Compliance with the Mandatory Source Requirements?

- Conduct semi-annual training for all contracting officers and specialists on the mandatory source requirements of the AbilityOne Program.
- Mandate annual training to senior procurement officials on the mandatory source requirements of the AbilityOne Program within each Federal agency.
- 3. Mandate purchasing "mandatory" by purchasing and/or soliciting AbilityOne products only.
- 4. Request training and education seminars.



